

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND STATE SALVAGE COMPANY, INC.,  
ESTATE OF HERBERT SHERR,  
NANCY A. SHERR, EXECUTRIX of the  
ESTATE OF HERBERT SHERR,  
BARBARA SHERR KLEGER,

and

DELMARVA POWER & LIGHT COMPANY,

Defendants.

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Civil Action No. 05-76 -KAJ

NOTICE OF LODGING  
OF CONSENT DECREE

**PLAINTIFF UNITED STATES OF AMERICA'S**  
**NOTICE OF LODGING OF CONSENT DECREE**

The United States is lodging with the Court a proposed Consent Decree resolving the liability of defendant Diamond State Salvage Company, Inc. under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), for the Diamond State Salvage Superfund Site in Wilmington, New Castle County, Delaware. The terms of the settlement is set forth in the proposed Consent Decree.

On June 24, 2005, this Court entered a Consent Decree resolving the liability of the Estate of Herbert Sherr, Nancy A. Sherr, Executrix of the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company under Section 107(a) of CERCLA, 42 U.S.C. §

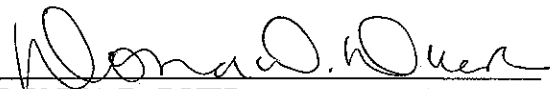
9607(a), for the Diamond State Salvage Superfund Site. Thus, the Consent Decree being lodged with the Court today resolves the liability of the only remaining defendant in this action.

The United States requests that the Court not sign the proposed Consent Decree at this time. Pursuant to Department of Justice regulations codified at 28 C.F.R. § 50.7, the United States is required to publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court. The notice will solicit public comment for a period of thirty (30) days. During the comment period, no action is required by the Court. After the close of the comment period, the United States will evaluate any comments received and will request the Court to take appropriate action regarding the Consent Decree.

Respectfully submitted,

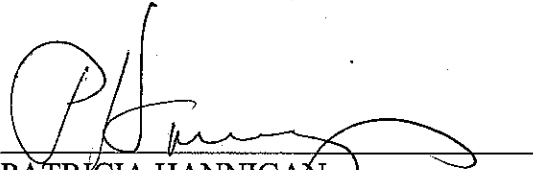
SUE ELLEN WOOLDRIDGE  
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Environment and Natural Resources Division  
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By:

  
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COLM F. CONNOLLY  
United States Attorney  
District of Delaware

By:

A handwritten signature in black ink, appearing to read 'PH', is written over a horizontal line.

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OF COUNSEL:

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**AFFIDAVIT OF SERVICE**

I, Kathie Gray, an employee in the Office of the United States Attorney for the District of Delaware, hereby attest under penalty of perjury that on June 29, 2006, I electronically filed the foregoing **PLAINTIFF UNITED STATES OF AMERICA'S NOTICE OF LODGING OF CONSENT DECREE and CONSENT DECREE** with the Clerk of Court using ECF, and I hereby attest that I have delivered two copies of said documents via United States Mail, postage prepaid, to the following:

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/s/ Kathie Gray

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